

REMARKS

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action provided on June 28, 2004 and the acknowledgement of Applicant's Information Disclosure Statements by return of the Form PTO-1449. Applicant also acknowledges with appreciation the acknowledgement of Applicant's Claim of Priority and receipt of the certified copy of the priority document. Further, Applicant acknowledges with appreciation the indication that claims 2, 5,6 and 7 contain allowable subject matter, on page 5 of the Official Action.

Upon entry of the above amendments, claims 1 and 2 will have been amended, and claims 5-7 will have been canceled, further, new independent claim 8 will have been added. Thus, claims 1-4 and 8 are currently pending. Further, Applicant notes that claim 1 has been amended to incorporate with all features recited in claim 5 that contain allowable subject matter indicated by the Examiner, and that claim 8 is a combination of original claims 1 and 2 that also contains allowable subject matter. Additionally, Applicant submits that claims 1 and 2 have been amended to place in better form for allowance.

Applicant respectfully requests reconsideration of the outstanding objections and rejections, and allowance of all the claims pending in the present application.

On page 2 of the Official Action, corrected drawings were required based on MPEP §608.02(g). Applicant has submitted new drawings wherein Figs. 16 and 17 are labeled "Prior Art." Therefore, Applicant respectfully requests the Examiner withdraw the objection with respect to this matter.

On page 2 of the Official Action, a new title was required that is clearly indicative of the present invention, and the disclosure was objected to. According to the suggestion from the Examiner, a new title, "DIGITAL CAMERA WITH ATTITUDE AND SHAKE DETECTION", has been submitted in this response. Therefore, Applicant respectfully submits that the objection has been overcome and respectfully request withdrawal of the same.

On page 2 of the Official Action, claim 1 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the above amendment of claim 1, Applicant has removed the phrase "such as" that was pointed out by the Examiner in claim 1. Therefore, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. §112,

second paragraph, is no longer proper, and withdrawal thereof is respectfully requested.

On page 3 of the Official Action, claims 1, 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over OSHIMA et al. (US. Patent No. 4,856,882), in view of PARULSKI et al. (US. Patent No.5,900,909).

Initially, Applicant respectfully submits that the allowable subject matter of claims 2 and 5 have been incorporated into independent claim 1, although the entirety of claim 2 has not been incorporated into claim 1. Thus, the rejection of claim 1 under 35 U.S.C. 103(a) is believed to be no longer appropriate, and withdrawal thereof is respectfully requested, along with an early indication of the allowance thereof. Further, new claim 8 has included all subject matter of original claims 1 and claim 2 that was indicated allowable by the Examiner. Therefore, it is believed that new claim 8 is also patentable in the view of the Examiner's suggestion.

Applicant further submits that dependent claims 2-4, which are at least patentable due to their respective dependencies from claim 1, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record.

As mentioned above, the rejections and objections of claims 1-4 are no longer proper, therefore, Applicant respectfully requests reconsideration and withdrawal of the rejections

and objections, and an early indication of the allowance of these claims.

Comments on Reasons for Allowability

In regard to the Examiner's indication of allowable subject matter in claims 2, 5, 6, and 7 of the Official Action, Applicant does not disagree with the Examiner's indication that features of these claims are neither shown nor suggested by the prior art of record. However, Applicant wishes to make clear that the claims in the present application recite a combination of features, and that the patentability of these claims is also based on the totality of the features recited therein, which define over the prior art. Thus, the reasons for allowance should not be limited to those mentioned by the Examiner.

SUMMARY AND CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art,

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should be considered to be for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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Attachment: Replacement Sheet of Drawings (1)

September 28, 2004
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